

Confidential

Maryland's 2012 Atlantic Coastal Sharks Compliance Report to the Atlantic States Marine Fisheries Commission

I. Introduction

The Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan (FMP) for Atlantic Coastal Sharks was implemented in August 2008. The five objectives of that FMP include:

- reduce fishing mortality to rebuild stock biomass, prevent stock collapse, and support a sustainable fishery;
- protect essential habitat areas such as nurseries and pupping grounds to protect sharks during particularly vulnerable stages in their life cycle;
- coordinate management activities between state and federal waters to promote complementary regulations throughout the species range;
- obtain biological and improved fishery related data to increase understanding of state water shark fisheries; and
- minimize endangered species bycatch in shark fisheries.

Maryland implemented the management measures outlined in the ASMFC FMP in January 2009.

Addendum I (September 2009) has two commercial and one recreational provision. Commercial changes included limited processing of smooth dogfish at sea and removing the two hour net check requirement associated with large mesh gillnets. Possession limits for smooth dogfish were eliminated for recreational anglers.

II. Request for *De Minimis*

No *de minimis* status requested.

III. Previous Year's Fishery and Management Program

A. Fishery Dependent Monitoring

There was no specific at sea sampling program for Atlantic coastal sharks in Maryland. Limited biological sampling of commercial catch onboard commercial offshore trawlers does occur but zero sharks were encountered.

B. Fishery Independent Monitoring

No fishery independent monitoring for Atlantic coastal sharks was conducted in Maryland state waters.

C. Previous Year's Fishery and Management Program

Code of Maryland Regulations (COMAR) pertaining to sharks are within Chapter 08.02.22.00 in sections 08.02.22.01, 08.02.22.02, 08.02.22.03, and 08.02.22.04.

08.02.22.01 <http://www.dsd.state.md.us/comar/comarhtml/08/08.02.22.01.htm>
.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Circle hook" means a nonoffset hook with the point turned perpendicularly back to the shank.

- (2) "Eviscerate" means to remove the digestive organs of a shark, excluding the head.
- (3) "Finning" means removing only the fins of a shark.
- (4) "Fork length" means that length measured in a straight line from the tip of the nose of the shark to the center of the fork of the tail of the shark.
- (5) "Handline" means a mainline to which not more than two gangions or hooks are attached.
- (6) "Landing" means:
 - (a) The unloading of any fish at a dock or shore by a commercial fisherman; or
 - (b) The bringing of any fish to a dock, pier, or shore by a recreational fisherman for personal use.
- (7) "Large mesh gillnet" means a gillnet having a stretch mesh size equal to or greater than 5 inches.
- (8) "Recreational angler" means any fisherman who catches sharks for personal use.
- (9) "Shore-angler" means any person engaged in any type of fishing that does not take place on board a vessel.
- (10) "Shortline" means a fishing line containing 50 or fewer hooks and measuring less than 500 yards in length.
- (11) "Small mesh gillnet" mean a gillnet having a stretch mesh size smaller than 5 inches.
- (12) "Vessel" means every type of watercraft used or capable of being used as a means of transportation on water except for nondisplacement craft and seaplanes.
- (13) "Vessel-fishing" means any fishing conducted from a vessel.

08.02.22.02 <http://www.dsd.state.md.us/comar/comarhtml/08/08.02.22.02.htm>

.02 Recreational Shark Fishery.

A. Authorized Shark Species. A recreational angler may harvest only the following species:

- (1) Smooth Dogfish (*Mustelus canis*);
- (2) Atlantic sharpnose (*Rhizoprionodon terraenovae*);
- (3) Finetooth (*Carcharhinus isodon*);
- (4) Blacknose (*Carcharhinus acronotus*);
- (5) Bonnethead (*Sphyrna tiburo*);
- (6) Tiger (*Galeocerdo cuvier*);
- (7) Blacktip (*Carcharhinus limbatus*);
- (8) Spinner (*Carcharhinus brevipinna*);
- (9) Bull (*Carcharhinus leucas*);
- (10) Lemon (*Negaprion brevirostris*);
- (11) Nurse (*Ginglymostoma cirratum*);
- (12) Scalloped hammerhead (*Sphyrna lewini*);
- (13) Great hammerhead (*Sphyrna mokarran*);
- (14) Smooth hammerhead (*Sphyrna zygaena*);
- (15) Shortfin mako (*Isurus oxyrinchus*);
- (16) Porbeagle (*Lamna nasus*);
- (17) Common thresher (*Alopias vulpinus*);
- (18) Oceanic whitetip (*Carcharhinus longimanus*); and
- (19) Blue (*Prionace glauca*).

B. Season Closure. A recreational angler may not harvest, possess, or transport the species listed in §A(6)—(14) of this regulation from May 15 through July 15, inclusive, regardless of where the shark was caught.

C. Size Limits.

(1) There is no minimum fork length for the species listed in §A(1)—(5) of this regulation.

(2) The minimum fork length is 4.5 feet (54 inches) for the species listed in §A(6)—(19) of this regulation.

D. Catch Limits.

(1) Shore-Angler Catch Limits. Each calendar day, a recreational shore-angler may harvest:

- (a) Only one shark, regardless of the species, from the list in §A of this regulation;
- (b) One additional Smooth Dogfish (*Mustelus canis*);
- (c) One additional Atlantic sharpnose (*Rhizoprionodon terraenovae*); and
- (d) One additional Bonnethead (*Sphyrna tiburo*).

(2) Vessel-Fishing Catch Limits.

(a) A recreational fishing vessel may not harvest more than one shark, per trip, from the list in §A of this regulation, regardless of the:

- (i) Species of shark; and
- (ii) Number of people on board the vessel.

(b) In addition to the vessel limit described in §D(2)(a) of this regulation, each recreational angler fishing from a vessel may harvest, per trip:

- (i) One Smooth Dogfish (*Mustelus canis*);
- (ii) One Atlantic sharpnose (*Rhizoprionodon terraenovae*); and
- (iii) One Bonnethead (*Sphyrna tiburo*).

E. Gear. A recreational angler may catch sharks using only:

- (1) Handlines retrieved by hand, not by mechanical means; or
- (2) Rod and reel.

F. General.

(1) A recreational angler may not sell, barter, or trade sharks or shark pieces.

(2) When aboard a vessel, a recreational angler is bound by the more restrictive vessel-fishing possession limits described in §D(2) of this regulation, regardless of the location where the shark was caught.

(3) A shark that is transported by a vessel is considered "boat assisted" and is regulated under the more restrictive vessel-fishing possession limits described in §D(2) of this regulation, regardless of where it was caught.

(4) All sharks harvested by a recreational angler shall have heads, tails, and fins attached naturally to the carcass through landing.

08.02.22.03 <http://www.dsd.state.md.us/comar/comarhtml/08/08.02.22.03.htm>

.03 Commercial Fishery.

A. Shark Groups.

(1) Prohibited Species. The species of shark in the prohibited group are:

- (a) Sand tiger (*Carcharias taurus*);
- (b) Bigeye sand tiger (*Odontaspis noronhai*);
- (c) Whale (*Rhincodon typus*);

- (d) Basking (*Cetorhinus maximus*);
 - (e) White (*Carcharodon carcharias*);
 - (f) Dusky (*Carcharhinus obscurus*);
 - (g) Bignose (*Carcharhinus altimus*);
 - (h) Galapagos (*Carcharhinus galapagensis*);
 - (i) Night (*Carcharhinus signatus*);
 - (j) Reef (*Carcharhinus perezii*);
 - (k) Narrowtooth (*Carcharhinus brachyurus*);
 - (l) Caribbean sharpnose (*Rhizoprionodon porosus*);
 - (m) Smalltail (*Carcharhinus porosus*);
 - (n) Atlantic angel (*Squatina dumeril*);
 - (o) Longfin mako (*Isurus paucus*);
 - (p) Bigeye thresher (*Alopias superciliosus*);
 - (q) Sharpnose sevengill (*Heptranchias perlo*);
 - (r) Bluntnose sixgill (*Hexanchus griseus*); and
 - (s) Bigeye sixgill (*Hexanchus nakamurai*).
- (2) Research. The species of shark in the research group is Sandbar (*Carcharhinus plumbeus*).
- (3) Smooth Dogfish. The species of shark in the smooth dogfish group is Smooth Dogfish (*Mustelus canis*).
- (4) Small Coastal. The species of shark in the small coastal group are:
- (a) Atlantic sharpnose (*Rhizoprionodon terraenovae*);
 - (b) Finetooth (*Carcharhinus isodon*);
 - (c) Blacknose (*Carcharhinus acronotus*); and
 - (d) Bonnethead (*Sphyrna tiburo*).
- (5) Nonsandbar Large Coastal. The species of shark in the nonsandbar large coastal group are:
- (a) Silky (*Carcharhinus falciformis*);
 - (b) Tiger (*Galeocerdo cuvier*);
 - (c) Blacktip (*Carcharhinus limbatus*);
 - (d) Spinner (*Carcharhinus brevipinna*);
 - (e) Bull (*Carcharhinus leucas*);
 - (f) Lemon (*Negaprion brevirostris*);
 - (g) Nurse (*Ginglymostoma cirratum*);
 - (h) Scalloped hammerhead (*Sphyrna lewini*);
 - (i) Great hammerhead (*Sphyrna mokarran*); and
 - (j) Smooth hammerhead (*Sphyrna zygaena*).
- (6) Pelagic. The species of shark in the pelagic group are:
- (a) Shortfin mako (*Isurus oxyrinchus*);
 - (b) Porbeagle (*Lamna nasus*);
 - (c) Common thresher (*Alopias vulpinus*);
 - (d) Oceanic whitetip (*Carcharhinus longimanus*); and
 - (e) Blue (*Prionace glauca*).
- B. Season.
- (1) Closure. During the period of May 15—July 15, inclusive, an individual may not:
- (a) Harvest the species listed in §A(5) of this regulation from State waters; or

(b) Transport the species listed in §A(5) of this regulation in State waters, unless the shark was harvested from federal waters provided:

- (i) The vessel does not engage in fishing within the closed area while possessing the species listed in §A(5) of this regulation;
- (ii) The sharks possessed were not caught in the closed area; and
- (iii) All fishing gear is stowed as described in §D(4) of this regulation and not available for immediate use.

(2) A person may not harvest, possess, or land sharks for commercial purposes in State waters when the National Oceanic and Atmospheric Administration closes the fishery in federal waters for any species listed in §A of this regulation.

C. Catch Limits.

(1) Prohibited and Research Shark Groups. A commercial tidal fish licensee may not harvest, possess, or land any species listed in §A(1) and (2) of this regulation without a scientific collection permit issued in accordance with Natural Resources Article, §4-212, Annotated Code of Maryland.

(2) Smooth Dogfish, Small Coastal, and Pelagic Shark Groups. There is no creel or possession limit for the species listed in §A(3), (4), and (6) of this regulation.

(3) Nonsandbar Large Coastal Shark Group. A commercial tidal fish licensee may not harvest, possess, or land more than 33 sharks, regardless of the species, from the list in §A(5) of this regulation.

(4) Vessels are prohibited from landing more than the specified number in one 24-hour period.

D. Gear.

(1) The following gear types are the only gear authorized for use by a commercial tidal fish licensee to catch sharks in State waters:

- (a) Rod and reel;
- (b) Handline, which shall be:
 - (i) Retrieved by hand, not by mechanical means; and
 - (ii) Attached to, or in contact with, a vessel;
- (c) Small mesh gillnet;
- (d) Large mesh gillnet, which shall be:
 - (i) Shorter than 2.5 kilometers; and
 - (ii) Checked once every 2 hours;
- (e) Trawl net;
- (f) Shortline;
- (g) Pound net; and
- (h) Weir.

(2) A maximum of two shortlines are allowed per vessel.

(3) Any vessel using a shortline shall:

- (a) Use corrodible circle hooks;
- (b) Practice the protocols and possess the federally required release equipment for pelagic and bottom longlines for the safe handling, release, and disentanglement of sea turtles and other nontarget species; and
- (c) Have all captains and vessel owners federally certified in using handling and release equipment.

(4) Methods of Stowing Gear.

(a) On Reel.

- (i) The net shall be on a reel, its entire surface covered with canvas or other similar opaque material, and the canvas or other material securely bound.
- (ii) The towing wires shall be detached from the doors.
- (iii) A containment rope, codend tripping device, or other mechanism to close off the codend may not be attached to the codend.

(b) Hook Gear.

- (i) All anchors and buoys shall be secured.
- (ii) All hook gear, including jigging machines, shall be covered.

(c) Sink Gillnet Gear.

- (i) All nets shall be covered with canvas or other similar material and lashed or otherwise securely fastened to the deck or rail.
- (ii) All buoys larger than 6 inches (15.24 centimeters) in diameter, high flyers, and anchors shall be disconnected.

E. General.

- (1) A person shall be authorized in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland, in order to harvest sharks for commercial purposes.
- (2) A federal commercial shark dealer permit is required to buy and sell any shark harvested from State waters.
- (3) All sharks harvested in accordance with this chapter shall have the tails and fins attached naturally to the carcass through landing.
- (4) Sharks harvested in accordance with this chapter may have the heads removed.

08.02.22.04 <http://www.dsd.state.md.us/comar/comarhtml/08/08.02.22.04.htm>

.04 General.

A. Filleting and Finning.

- (1) Sharks harvested in accordance with this chapter may be eviscerated as long as the tail is not removed.
- (2) Sharks may not be filleted or cut into pieces at sea.
- (3) Finning is prohibited.

B. Public Notice.

- (1) The Secretary may modify size limits, catch limits, gear provisions, and shark species lists, or open, close, or modify a season, by publishing notice in a daily newspaper of general circulation at least 48 hours in advance, stating the effective hour and date.
- (2) The Secretary shall make a reasonable effort to disseminate public notice through various other media so that an affected person has reasonable opportunity to be informed.

C. Spiny Dogfish. The provisions of this chapter do not apply to spiny dogfish (*Squalus acanthias*). Spiny dogfish (*Squalus acanthias*) may be harvested in accordance with COMAR 08.02.05.24.

Additionally, Natural Resource Article, §4–206, Annotated Code of Maryland provides MDNR the authority to require weekly dealer reports.

- A. The Department shall audit the books of any person who packs or deals in fish resources within the jurisdiction of the Department including anyone who catches and ships directly to market. The Department audit shall be conducted to determine the

quantity of resources caught and any other data needed for reporting and accounting to State officials.

- B. Every person engaged in the business of packing or dealing in any fish resource within the Department's jurisdiction shall keep accurate books, statements, and accounts showing every detail of the business. Every book, statement, and account shall be open for the Department to inspect at reasonable hours. Every person engaged in the business of packing or dealing in any fish resource within the Department's jurisdiction shall make any report the Department requires on forms the Department prescribes.
- C. Every person the Department licenses to catch the fish resource shall make any report the Department requires on forms the Department provides.
- D. An officer or employee of any department or unit of the Executive Branch of State government may not divulge or use in any manner information contained in any report submitted pursuant to the provisions of this section that would reveal the income of any person submitting the report. This section does not prohibit the publication of statistics classified to prevent the identification of particular reports and items of them or prohibit inspection of reports and records by any official or employee of the Executive Branch having a proper interest in them.

D. Harvest by Gear Type

1. Commercial Landings

There were five federally permitted commercial dealers that reported landings from Ocean City, MD: Agger Fish Corp., Kashiko Exports, Seaborn, Martins, and Southern Connection Ocean City (SCOC). One dealer was listed as Unknown-MD. They electronically reported vessel landings using Standard Atlantic Fisheries Information System (SAFIS) which is operated by the Atlantic Coastal Cooperative Statistics Program (ACCSP) or other federally approved methods. NOAA began requiring federal dealers to report using online tools in 2004. Some MD fishermen and dealers started voluntarily using SAFIS at the same time in 2004.

Preliminary total Maryland commercial harvest from January through December 2012 was 162,731.60 lbs (Table 1). No discard estimates are available for sharks. Highest landings occurred in October which accounts for 48% of the annual 2012 landings. Ninety nine percent of the October landings were Smooth Dogfish. Gill net and an unknown gear (not coded listed for gear in ACCSP landings) were the dominant gears reported with October landings, 89% and 11%, respectively.

Smooth dogfish accounted for 86% of the overall 2012 landings. Gear, gill net, was reported for 75% of the overall landings followed by not coded (14%). Most sharks, 100%, were reported caught an unknown distance from shore.

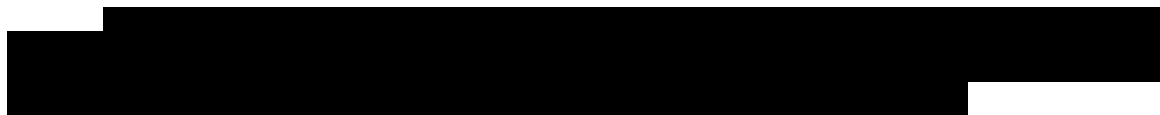


Table 1. Confidential Maryland commercial landings of coastal sharks by gear type from January through December 2012. Source - ACCSP Data Warehouse.			
Common Name	Scientific Name	Gear	Pounds
Total			162,731.60

2. Recreational Landings

Maryland recreational landings from the National Marine Fisheries Service (NMFS) Marine Recreational Fisheries Statistics Survey website (www.st.nmfs.noaa.gov/st1/recreational/queries/index.html) reported a final total catch estimate of 322 (PSE \pm 79.5) fish of Atlantic Sharpnose (*R. terraenovae*) sharks from January 2011 through December 2011 for Maryland. All of those sharks were released alive in Federal waters by private or rental boats. Weights were not available. Data were not available for other sharks applicable to this plan from that website.

There are two known tournaments that target sharks (Mako Mania and the Ocean City Shark Tournament) and two more with shark categories (Ocean City Marlin Club's 34th Annual Small Boat Tournament and the White Marlin Open).

E. Progress in Implementing Habitat Recommendations

Not applicable.

IV. Planned Management Programs for the Current Year (2013)

Summary of Regulations that will be in Effect

The same regulations listed in section, Previous Year's Fishery and Management Program, will be in effect for 2013. Additionally, a Public Notice was issued on July 26, 2013 that increased the minimum size limit for hammerheads, Finetooth, and Blacknose sharks.

The Secretary of Maryland Department of Natural Resources (DNR), pursuant to COMAR 08.02.22.04B and in conjunction with the National Marine Fisheries Service, announces new size limits for certain sharks. Effective at 12:01 am August 1, 2013, the minimum fork length for finetooth and blacknose sharks is 54 inches and the minimum fork length for scalloped hammerhead, great hammerhead, and smooth hammerhead sharks is 78 inches.

A. Summary of Monitoring Programs that will be in Effect

Sharks will be counted and measured for total length when present in the catch during limited biological sampling at sea.

B. Highlights of Changes from the Previous Year

There were no changes from the previous year.

V. Plan Specific Requirements

a. The Number of Sharks Taken for Display and Research (*Section 4.3.8.2*) in the Previous Fishing Year

The State of Maryland issued [REDACTED] Scientific Collection Permits (SCP) in 2012.

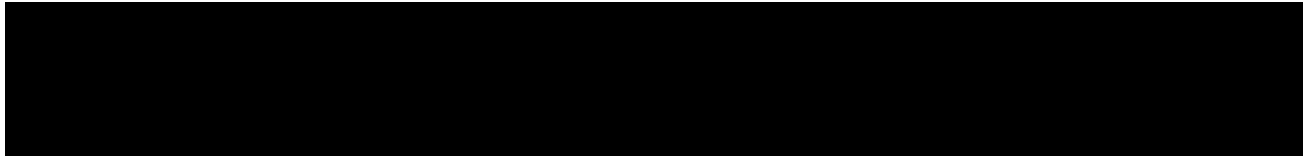
[REDACTED]

i. The Weight, Species, Location Caught, and the Gear Type Used for Each Shark Collected for Research and Display Purposes

[REDACTED]

Table 2. Confidential Sharks Collected for Research and Display Purposes with a 2012 Maryland Scientific Collection Permit (SCP).

[REDACTED]	
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b. The Number of EFP Issued for the Previous Fishing Year

National Marine Fisheries Service issued [REDACTED] EFP [REDACTED] used in conjunction with a MD SCP in 2011.

c. The Status of any Shark Taken for Display Purposes Each Year Through the Life of the Shark

Section 4.3.8.2 became effective in January 2010. There were no sharks to report for 2010. [REDACTED]
(Table 3).

Table 3. Confidential Annual Status of Sharks Collected for Research and Display Purposes with a Maryland Scientific Collection Permit (SCP) from 2011.

DNR Shark ID	Capture Date	Species	2012 Status
[REDACTED]			

VI. Law Enforcement Requirements

None